

## REMARKS

Independent apparatus Claims 1 and 17 and independent method Claim 13 have been rejected as being anticipated by the Tate primary prior art reference.

Claims 1, 17 and 13 have been amended to more clearly set forth the differences between Applicant's invention and the cited prior art.

Reconsideration of the rejection and it's withdrawal are respectfully requested for the reasons set forth below.

Applicant's claimed apparatus and method are for very different purposes than the cited prior art. Applicant limits outward flow of sound, i.e., the sound of the user's voice going to the surrounding environment to minimize disturbing people in that environment and to enhance the speaker's privacy. The prior art limits the inward flow of sound, i.e., the sounds from the surrounding environment going to the input device to minimize distortion of the sound of the speaker received by the input device.

Claim 1 as amended has structure which implements the purpose of controlling outward sound flow. The prior art has very different structure which implements the purpose of controlling inward sound flow.

More particularly, Claim 1 as amended calls for communication apparatus that limits sound from the user speaking into the apparatus emanating outwardly to the surrounding environment, so as to avoid disturbing people in that environment while enhancing the privacy of the speaker. The claimed apparatus comprises in combination a communication input device with a sound absorbing body and attachment means for mounting the body outwardly adjacent to the input device in an operative position for blocking and absorbing sound from the speaking of the user so as to substantially reduce such sound passing outwardly of the device to the surrounding environment.

The claimed input device has a front surface that lies in a generally transverse plane. The body is generally at or rearwardly of the plane. This arrangement allows substantially unobstructed passage of all sound from forwardly of the plane to the input device. Thus, Applicant's claimed structure expressly does not interfere with or alter delivery of sound inwardly to the input device.

In other words, inward sound to the input device is intentionally unobstructed, while the voice of the speaker where it passes outwardly of the input device to the environment is intentionally blocked or absorbed.

By contrast, the Tate prior art reference is designed to and constructed to alter incoming sound to the input device to thereby improve, clarify or otherwise alter what reaches the input device. There is no intent or structure to accomplish blocking or absorbing the outgoing sound to the surrounding environment. Tate shows various forms of cages or reflectors arrayed forwardly of and around an input device in the form of a microphone. The reflectors have various openings to allow some sound to reach to microphone, but provide substantial structure that functions to block sound reaching the microphone. The purpose is to prevent ambient sound from distorting the desired speaker's sound input to the microphone. The Tate reflectors are not adjacent to the input device as called for in amended Claim 1, and are not at or rearwardly of the plane of the microphone; rather they are arrayed forwardly in the front of the front surface of this microphone, the necessarily block sound coming into the microphone from forwardly of its plane.

Thus, the claim structure of Claim 1 as amended and the prior art Tate reference are essentially in diametric opposition to one another in what they are intended to do, what they achieve, and the structure provided to accomplish those different desired ends.

The structure of Tate prior art substantially alters the sound coming into the microphone or input device. The structure Claim 1 expressly leaves unimpeded the sound going into the input device.

The claimed structure acts on sound going outwardly from the area of the input device to limit its impact on the surrounding environment. The Tate reference makes no effort and provides no structure to limit the outward sound to the surrounding environment. The reflector in Tate only limits the sound coming into the input device, the microphone.

Accordingly, it is respectfully submitted that the Claim 1 and amended is novel, unobvious and patentable over the prior art Tate reference. The additional reference is only a secondary reference directed to some of the features in the dependent claims and does not show or suggest any structure to limit outgoing sound reaching the surrounding environment of an input device.

The claims dependent on Claim 1 add additional features and are therefore also allowable.

Claim 13 as amended is a method for utilizing a sound input communication device. Similarly to the apparatus of Claim 1, the method of Claim 13 restricts the outward sound going to the surrounding environment when the user speaks into the input device.

As noted above, the prior art Tate reference did not attempt to, and did not provide structure to accomplish such a purpose. Rather, the Tate device deals with altering sound coming into an input device, to refine or improve the input. Tate does not teach any method to accomplish their purposes of Claim 13, i.e., limiting outward sound to the environment.

It is submitted that Claim 13 is novel, unobvious and patentable in view of the cited Tate prior art reference, and it's allowance is respectfully requested.

The claims dependent on method Claim 13 add additional limitations and therefore also allowable.

Claim 17 as amended calls for structure similar to that of amended Claim 1, except that it does not include the communication input device itself in the claimed combination. Amended Claim 17 calls for a sound absorbing screen and the attachment means for mounting the screen to the communication input device. The structure and relative positions of the sound absorbing screen and the attaching means limit the passage of sound from the user outwardly to the surrounding environment, while leaving uninterrupted the inward path for sound to the input device,

As noted above, the prior art Tate reference obstructs and interferes with the sound coming into the input device, while having no intention or structure to limit the sound emanating outwardly from the area of that device to the surrounding environment. Amended Claim 17 does the opposite; allows full access for incoming sound while limiting outgoing sound to the surrounding environment.

Therefore it is respectfully submitted that amended Claim 17 is novel, unobvious and patentable over the cited Tate prior art reference and is allowable.

The claims dependent on Claim 17 add further limitations and are therefore also allowable.

Reconsideration of the application with the amended claims and allowance of the application and such claims are respectfully requested.

Respectfully submitted,



Robert M. Ashen  
Registration No. 19,685

Robert M. Ashen, Esq.  
Law Offices of Robert A. Seldon  
10940 Wilshire Blvd., 18<sup>th</sup> Floor  
Los Angeles, CA 90024  
Direct Dial: 310.274.8060  
Direct Fax: 310.858.1922  
Email: rashen@pacbell.net